**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

W.P.No. 26792 of 2005

**ORDER:**

Heard the learned counsel for the petitioner as well as the learned counsel appearing on behalf of respondents.

The learned counsel for the petitioner submits that the subject matter of this writ petition is squarely covered by the judgment of this Court in W.P.No. 13527 of 2004 and batch dated 8.2.2005.

On the other hand, the learned counsel for the respondents submits that it is not a case where the petitioner has obtained the necessary authorization for undertaking Processing of Certified Seed Lots from the competent authority.

The learned counsel for the petitioner submits that the petitioner has obtained licence to carry on the business as a dealer in seeds vide licence bearing No.19/2005-2006 dated 17.7.2005 valid up to 16.7.2008 from the Licensing Authority/Joint Director of Agriculture, Cuddapah and accordingly obtained proceedings in D.Dis.No.C7/1994/2005 dated 17.7.2005 valid up to 16.7.2008 to sell, export, import and store for the sale purposes of seeds of all kinds of seeds provided they have valid P.Cs.

Having regard to the facts and circumstances of the case, following the judgment of this Court in W.P.No. 13527 of 2004 and batch dated 8.2.2005, this writ petition is disposed of with the following directions:

a. Seeds developed and manufactured by the petitioners and sold as certified or labeled seeds, are not subject to levy of market fee, and the demand notices issued therefor are set aside.

b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, and are not subject to levy of market fee.

c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps.

The writ petition is accordingly disposed of. No costs.

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V.ESWARAIAH, J

Date: 15.12.2005

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**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

W.P.No. 26792 of 2005

15.12.2005

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

W.P.No. 26792 of 2005

Dated : 15.12.2005

Between:

Ayyappa Agrotech Agencies,

Proddatur, Kadapa district, rep. by its

Propreitor B.V.Sridhar Reddy.

.. Petitioner

And

Government of A.P., rep. by its

Principal Secretary,

Agriculture & Cooperation (Marketing)
Department, Secretariat, Hyderabad & others.

.. Respondents